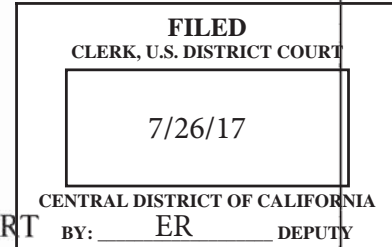
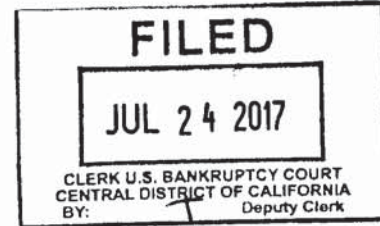


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9 Attorney for Plaintiff JOANNA COOK



10 UNITED STATES BANKRUPTCY COURT

11 CENTRAL DISTRICT OF CALIFORNIA

12 SAN FERNANDO DIVISION

13 In re

14 PEDRAM SHIRZAD,

15 Debtor.

16  
17 JOANNA COOK,

18 Plaintiff,

19 v.

20 PEDRAM SHIRZAD,

21 Defendant.

USDC Case# 2:17CV05521-FMO

Case No.: 1:15-bk-11350 - VK

Adv. No.: 1-15-ap-01084-VK

**PLAINTIFF'S NOTICE OF APPEAL  
AND ELECTION TO HAVE APPEAL  
HEARD BY THE DISTRICT COURT**

**NOTICE OF APPEAL AND STATEMENT OF ELECTION**

24 Plaintiff, JOANNA COOK, in the adversary proceeding noted above, hereby  
25 appeals the following orders and/or judgments, copies of which are attached hereto:  
26

27 Order on Defendant's Motion to Dismiss First Amended Adversary Complaint  
28 entered 3/17/2016; and

1 Judgment after trial entered on July 10, 2017.

2 Parties to Appeal:

3  
4 Pedram Shirzad, Debtor/Defendant Leslie Cohen, Esq.  
5 506 Santa Monica Boulevard  
6 Suite 200  
7 Santa Monica, CA 90401  
8 (310) 394-5900

9 Appellant elects to have the appeal heard by the United States District Court  
10 rather than by the Bankruptcy Appellate Panel.

11  7/20/2017  
12 Leslie S McAfee, Esq.  
13 Attorney for Appellant  
14 27525 Newhall Ranch Road, Suite 7, 2<sup>nd</sup> Floor  
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10 Attorneys for Debtor  
11 And Defendant

FILED & ENTERED

MAR 17 2016

CLERK U.S. BANKRUPTCY COURT  
Central District of California  
BY Reaves DEPUTY CLERK

CHANGES MADE BY COURT

UNITED STATES BANKRUPTCY COURT

CENTRAL DISTRICT OF CALIFORNIA

SAN FERNANDO VALLEY DIVISION

13 In re

14 PEDRAM SHIRZAD,

15 Debtor.

17 JOANNA COOK,

18 Plaintiff,

19 v.

20 PEDRAM SHIRZAD,

21 Defendant.

Case No.: 1:15-bk-11350 - VK

Adv. No.: 1:15-ap-01084-VK

**ORDER GRANTING IN PART, AND  
DENYING IN PART, DEBTOR'S  
MOTION TO DISMISS FIRST  
AMENDED ADVERSARY COMPLAINT**

Hearing Date: March 2, 2:30 p.m.

Time : 2:30 p.m.

Place: Courtroom 301  
21041 Burbank Blvd.  
Woodland Hills, CA



1 The hearing on Debtor's Motion to Dismiss [Docket No. 29] the First Amended  
2 Adversary Complaint [Docket No. 23] and Status Hearing in the above captioned  
3 adversary proceeding were held on February 17, 2016, at 2:30 p.m. before the  
4 Honorable Victoria Kaufman, United States Bankruptcy Judge in the above-referenced  
5 Court. Appearances were noted on the record.

6 The Court, having read and considered the First Amended Adversary  
7 Complaint, the Motion to Dismiss, Opposition and Reply thereto, considered the  
8 statements made at the time of the hearing and granted Plaintiff's request for  
9 additional briefing on the tentative decision to grant Defendant's Motion to Dismiss the  
10 First and Second Claims for Relief of the First Amended Adversary Complaint (the  
11 "523 (a)(4) Causes of Action"), and set a further hearing for March 2, 2016, at 2:30  
12 p.m. in the above-entitled Court. The Defendant's Motion to Dismiss the Third Claim  
13 for Relief of the First Amended Adversary Complaint was denied.

14 At the hearing on March 2, 2016, the Court read and considered the additional  
15 briefs consisting of Plaintiff's brief, Defendant's Opposition Brief, and Plaintiff's short  
16 Reply Brief, regarding the tentative decision to dismiss the 523(a)(4) Causes of Action,  
17 and considered the statements made at the time of the hearing, and declined to  
18 change the tentative decision previously issued on February 17, 2016 to dismiss the  
19 same.

20 Therefore, for good cause appearing *and for the reasons set forth in the Court's*  
21 *adopted written ruling [doc. 39],*

22 **IT IS HEREBY ORDERED** as follows:

23 1. Defendant's Motion to Dismiss the First Claim for Relief of Plaintiff's First  
24 Amended Adversary Complaint, under 11 U.S.C. §523(a)(4), is granted without leave  
25 to amend;

26 2. Defendant's Motion to Dismiss the Second Claim for Relief of Plaintiff's  
27 First Amended Adversary Complaint, under 11 U.S.C. §523(a)(4), is granted without  
28 leave to amend;


1  
2 3. Defendant's Motion to Dismiss the Third Claim for Relief of Plaintiff's  
3 First Amended Adversary Complaint, under 11 U.S.C. §523(a)(6), is denied, finding  
4 Plaintiff has adequately stated alleged a valid claim thereunder;

5 4. Defendant is to file a response to the First Amended Adversary  
6 Complaint within fourteen (14) days following entry of this Order;

7 5. The Court sets a Status Conference for May 18, 2016, at 1:30 p.m. in  
8 Courtroom 301, with the Status Report due May 4, 2016.

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24 Date: March 17, 2016

  
Victoria S. Kaufman  
United States Bankruptcy Judge

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6 Attorneys for Pedram Shirzad

FILED & ENTERED

JUL 10 2017

CLERK U.S. BANKRUPTCY COURT  
Central District of California  
BY Pgarcia DEPUTY CLERK

7  
8 **CHANGES MADE BY COURT**  
9 **UNITED STATES BANKRUPTCY COURT**  
10 **CENTRAL DISTRICT OF CALIFORNIA**  
11 **SAN FERNANDO VALLEY DIVISION**

12 In re

13 PEDRAM SHIRZAD,

14 Debtor

15 JOANNA COOK,

16 Plaintiff,

17 v.

18 PEDRAM SHIRZAD,

19 Defendant

Case No.: 1:15-bk-11350-VK

Adv. No.: 1:15-ap-01084-VK

Chapter 7

**JUDGMENT IN FAVOR OF  
DEFENDANT**

Continued Trial Dates:  
Date: June 26-27, 2017  
Time: 9:30 a.m.  
Courtroom: 301



1 Trial in the above-captioned adversary action took place June 26-27, 2017 in the  
2 above-referenced Court before the Honorable Victoria S. Kaufman, United States  
3 Bankruptcy Judge. Appearances were noted on the record.


4 The Court having considered the First Amended Complaint, Answer, subsequent  
5 pleadings and discovery, Joint Pre-Trial Order, the evidence admitted at trial, the live  
6 testimony offered a trial, those things of which it may take judicial notice, and the entire  
7 record in this case and the statements and oral argument made at the time of trial, and  
8 finding notice of this matter being appropriate under the circumstances and, *for the*  
9 *reasons stated by the Court on the record*, good cause appearing,

10 IT IS HEREBY ORDERED AS FOLLOWS:

- 11 1. The Plaintiff failed to support her burden to establish nondischargeability by a  
12 preponderance of the evidence;
- 13 2. Judgment is hereby entered in favor of Defendant Pedram Shirzad in this  
14 adversary proceeding under all claims for relief.
- 15 3. Plaintiff Joanna Cook's claims against Defendant Pedram Shirzad are fully  
16 dischargeable, and are discharged.

17  
18 ###  
19  
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21  
22

23 Date: July 10, 2017

24   
Victoria S. Kaufman  
United States Bankruptcy Judge